

**CALIFORNIA COASTAL COMMISSION**

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Staff Report: February 22, 2001  
Hearing Date: March 13-16, 2001  
Commission Action:

## Item Mon 7c

### **STAFF REPORT: REGULAR CALENDAR**

**APPLICATION NUMBER:** 5-00-449

**APPLICANT:** Lido Isle Community Association

**AGENT:** Haulin Hsu-Wingard, Urban Arena

**PROJECT LOCATION:** Intersection of Via Antibes and Via Lido Soud, Newport Beach, Orange County

**PROJECT DESCRIPTION:** Improvements to the Lido Isle entryway, including construction of a new street median, a new traffic island, a new public park, revised parking configuration and associated landscape and hardscape improvements.

**LOCAL APPROVALS RECEIVED:** City of Newport Beach Approval-in-Concept No. 1951-2000 dated August 1, 2000.

**SUBSTANTIVE FILE DOCUMENTS:** 5-00-157 (Lido Isle Community Association) and 5-99-452 (City of Newport Beach)

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#### **SUMMARY OF STAFF RECOMMENDATION:**

The applicant is proposing circulation and aesthetic improvements to the entryway onto Lido Isle, a residential island in the City of Newport Beach. The major issues of the staff report include public access; traffic, circulation and parking; water quality; and scenic resources.

Staff recommends the Commission **APPROVE** the proposed development with seven (7) special conditions requiring 1) evidence of an encroachment permit from the City of Newport Beach; 2) submittal of revised project plans showing removal of the "focal point monument" and "entry monument"; 3) maintenance of public access during construction; 4) conformance of the final design and construction plans to the traffic engineering report; 5) use of construction best management practices (BMPs); 6) debris disposal to occur outside the coastal zone; and 7) submittal of a final drainage and runoff control plan.

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**STAFF RECOMMENDATION:**

The staff recommends that the Commission adopt the following resolution:

**I. APPROVAL WITH CONDITIONS**

The staff recommends that the Commission adopt the following resolution:

**MOTION:**        *I move that the Commission approve Coastal Development Permit No. 5-00-449 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned, located between the first public road and the sea, will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

**II. STANDARD CONDITIONS**

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

### III. SPECIAL CONDITIONS

#### 1. Encroachment Permit

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for review and written approval of the Executive Director, evidence of an encroachment permit or exemption from the City of Newport Beach. The encroachment permit or exemption shall evidence the ability of the applicant to develop within the public right of way as conditioned herein.
- B. The applicant shall inform the Executive Director of any changes to the project required by the City of Newport Beach. Such changes shall not be incorporated into the project until the applicant obtains a Commission amendment to this coastal development permit (5-00-449), unless the Executive Director determines that no amendment is required.

#### 2. Revised Project Plans

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full size sets of revised project plans. The plans shall demonstrate the following:
  - 1. Removal of the "Focal Point Monument" located within the traffic roundabout at the intersection of Via Antibes and Via Lido Soud;
  - 2. Removal of the "Lido Isle Entry Monument" located at the entrance to the Lido Isle Bridge; and
  - 3. Signage shall be placed at the new public park and parking lot welcoming the public to utilize the facilities.
- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

#### 3. Maintenance of Public Access during Construction

The construction activities authorized pursuant to Coastal Development Permit No. 5-00-449 shall not obstruct public access at the subject site during the peak use season, defined as the period starting the day before the Memorial Day weekend and ending the day after the Labor Day weekend of any year. In addition, the applicant shall comply with the following:

- 1. At least one travel lane shall remain open to both residents and non-residents at all times.
- 2. The staging area for construction of the entryway improvements shall not obstruct public access.

#### 4. Conformance of Design and Construction Plans to Traffic Analysis

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, evidence that an

appropriately licensed professional has reviewed and approved all final design and construction and certified that each of those final plans incorporates all of the recommendations contained in the engineering geologic report entitled *Existing Traffic Conditions Summary and Preliminary Design Review for Lido Isle Entry Improvement Project* prepared by Linscott, Law & Greenspan Engineers approved by the California Coastal Commission for the project site.

- B. The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

5. Final Drainage and Runoff Control Plan

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit, for the review and approval of the Executive Director, two (2) full size copies of a finalized Drainage and Runoff Control Plan which conforms to the following requirements.

1. Where feasible, runoff shall be collected and directed in a non-erosive manner through vegetated areas for filtration purposes prior to direct discharge into Newport Harbor. The drainage system shall be engineered in such a manner as to prevent the discharge of sediment or fine particulates into the Harbor;
2. If and where runoff filtration through vegetated areas is deemed infeasible due to geotechnical or other concerns, such drainage shall be collected and directed to the stormwater conveyance system along Via Lido Nord for treatment through a filtration device (Fossil Filter) prior to discharge into Newport Harbor.

- B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

6. Storage of Construction Materials, Mechanized Equipment and Removal of Construction Debris

The permittee shall comply with the following construction-related requirements:

- (a) No construction materials, debris, or waste shall be placed or stored where it may be subject to wave erosion and dispersion;
- (b) Any and all debris resulting from construction activities shall be removed from the project site within 24 hours of completion of construction;
- (c) Erosion control/sedimentation Best Management Practices (BMP's) shall be used to control sedimentation impacts to coastal waters during construction. BMPs shall include, but are not limited to: placement of sand bags around drainage inlets to prevent runoff/sediment transport into Newport Harbor and a pre-construction meeting to review procedural and BMP guidelines;

- (d) Construction debris and sediment shall be removed from construction areas each day that construction occurs to prevent the accumulation of sediment and other debris which may be discharged into coastal waters.

7. Location of Debris Disposal Site

The applicant shall dispose of all demolition and construction debris resulting from the proposed project at an appropriate location outside the coastal zone. If the disposal site is located within the coastal zone, a coastal development permit or an amendment to this permit shall be required before disposal can take place.

**IV. FINDINGS AND DECLARATIONS:**

The Commission hereby finds and declares:

**A. Project Location, Description and Background**

Project Location

The subject site is the Lido Isle entryway, located at the intersection of Via Antibes and Via Lido Sound in the City of Newport Beach. The residential island is connected to the Balboa Peninsula via the Lido Isle Bridge. The site is located between the sea and first public roadway paralleling the sea (Exhibits 1 and 2).

Project Description

The project involves various improvements to the Lido Isle entryway, including the construction of a new street median; a new traffic island; a new public park with gazebo, fountain and benches; a new parking lot created through the closure of a travel lane; and associated landscape and hardscape improvements (Exhibit 3). The project also involves the placement of interlocking pavers around the proposed traffic roundabout and the installation of an open 6' high lattice fence in the existing planting area surrounding the roundabout. The fence will be an intermittent decorative feature, allowing pedestrian access to the park beyond. The project will provide 14 on-street parking spaces and thirteen (13) off-street parking spaces in the newly created lot, for a total of twenty-seven (27) spaces. At present, there are twenty-four (24) on-street parking spaces (Exhibit 4). Although the project will result in a loss of on-street parking, there will be a net gain of three (3) parking spaces through creation of the off-street parking lot. The applicant has indicated that the purpose of the project is to improve traffic circulation and to beautify the island entrance.

Prior Commission Action in Subject Area

On October 10, 2000, the Commission approved the demolition of an existing 3,266 square foot residential marina with 16 slips and 10 guide piles and construction of a 4,545 square foot residential marina with 16 slips plus 134 feet of side tie area and 16 guide piles. The boating facility is located on tidelands which have been held in title by the City of Newport Beach since September 1928. The marina property has been leased by the City of Newport Beach to the Lido Isle Community Association since 1954. The site was recently re-leased by the City of Newport Beach to the Lido Isle Community Association for another 25 years; the lease is to expire on April 14, 2025. The boating facility is located directly southwest of the proposed entryway improvements.

Standard of Review

The Newport Beach Land Use Plan (LUP) was effectively certified by the Coastal Commission on May 19, 1982. Until such time as an Implementation Plan (IP) is certified, the Commission retains

permit issuance jurisdiction for this area. The Coastal Act is applied as the standard of review in the current analysis, while the City's LUP is used as guidance.

## **B. Public Access and Recreation**

Section 30210 states, in pertinent part:

*In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.*

Section 30211 states, in pertinent part:

*Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.*

The proposed development, which occurs between the nearest public road and the sea, includes the construction of traffic improvements and aesthetic modifications to the Lido Isle entryway. Lido Isle is a residential island located within the northern portion of Newport Harbor. The streets are publicly owned, while a Homeowners Association (HOA), known as the Lido Isle Community Association, manages common recreational facilities and landscaped areas. Special Condition No. 1 requires the applicant to submit evidence that it has obtained an encroachment permit or exemption from the City prior to issuance of the CDP.

No visitor-serving commercial or recreational development exists on Lido Isle. Nonetheless, the island presents opportunities for both visual and physical public access. Public access exists along the Lido Isle Bridge, which connects Lido Isle to Balboa Peninsula and to the Lido Village area of Newport Beach. In addition, vertical access is available on Lido Isle at the end of Via Antibes approximately 400 feet north of the project site. Since the proposed project involves improvements to existing public streets within a residential neighborhood, neither the existing access situation nor the intensity of use of the site will be changed. However, the proposed development involves the erection of monuments and signage that have the potential to impact existing public access and recreation in the area by potentially discouraging the general public from entering Lido Isle.

### Placement and Design of Signage and Monuments

As described previously, the Lido Isle HOA is proposing improvements to the entryway of a solely residential island. The applicant submitted plans with "monuments" proposed at two (2) locations—a "Focal Point Monument" at the center of the proposed traffic island and a "Lido Isle Entry Monument" at the entrance to the Lido Isle Bridge (Exhibit 3).

Preliminary elevation drawings of the "Focal Point Monument" showed an approximately 30' high Cape Code-style lighthouse with Lido Isle identification signage and a community events board. Members of the public have expressed concern regarding the potential guard house appearance of the proposed structure. (Public correspondence is included as Exhibit 5). As architectural features and signage can affect the public's perception of access opportunities at a location—particularly a residential island with no visitor-serving development—the design of any proposed monuments and/or signage at the Lido Isle entryway is a significant component of the current project. Imposing, monumental scale architectural features may give the appearance of privatization and deter members of the public from entering the island. The applicant states that the monument at the center of the traffic roundabout was never intended to function as a guard house or give the appearance of a guard

house. Nevertheless, the project description has since been modified to remove the “Focal Point Monument” due to traffic engineering concerns. (Traffic, Circulation and Parking will be discussed further in Section C).

Although the 30’ high monument has been removed through a written modification to the project description, revised project plans have not yet been submitted. The applicant has indicated that a scaled down sign and possibly a flagpole may be proposed in its place. Staff has informed the applicant that any newly proposed signage should be designed so as not to deter the public from entering onto the island. Any such revision would have to be processed as an amendment to the current permit.

Likewise, the applicant has not yet submitted elevation drawings of the “Lido Isle Entry Monument.” As such, Commission staff has not had the opportunity to review such signage as part of the current application. The “Entry Monument” has been described as a low-level (approximately 3’-4’ high) identification sign saying “Lido Isle.” According to the applicant, this signage was recommended by City staff to orient drivers crossing the Lido Isle Bridge from the Balboa Peninsula. Plans for the “Entry Monument” would also have to be processed as an amendment to the current permit.

To ensure that public access to and throughout Lido Isle is maintained, the Commission imposes Special Condition No. 2. Special Condition No. 2 requires the applicant to submit revised project plans showing the removal of the “Focal Point Monument” and the “Entry Monument.” If the applicant intends to erect a scaled-down monument and/or signage at the traffic roundabout and/or place signage at the entrance to the Lido Isle Bridge, detailed elevation drawings must be submitted to the Commission for review. New signage will then be acted on through an amendment to this permit (5-00-449). The special condition requires the placement of signage that clearly states that the public may utilize the newly created facilities (public park and parking lot). As conditioned for the removal of any imposing or restrictive appearing architectural features and the addition of “public welcome” signage, the proposed project is found consistent with Section 30210 of the Coastal Act.

#### Public Access Impacts during Construction

Obstruction of the Lido Isle entryway during the peak visitor use summer months would adversely affect public access. If traffic were significantly slowed or halted during this period, a visitor’s abilities to access the island would be significantly curtailed. Although Lido Isle is not considered a visitor-serving destination, the island and its roadways provide opportunities for the public to visit and view the shoreline. During construction, lane closures and traffic redirection may occur periodically. Often times, only residents are allowed in an area undergoing construction. Prohibiting construction activities from preventing access to the island by non-residents during the peak visitor use period will adequately protect public access to the island.

To assure that construction activities do not affect public access during this period, Special Condition No. 3 requires the Lido Isle entryway to remain open to both resident and non-resident traffic during the peak visitor use period, defined as Memorial Day through Labor Day of any given year. As conditioned to maintain public access during construction, the project is consistent with Section 30210 of the Coastal Act. Therefore, the Commission finds that the proposed development is consistent with the public access and recreation provisions of the Coastal Act.

### **C. Traffic, Circulation and Parking**

Section 30252 of the Coastal Act states:

*The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing*

*commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings, and by (6) assuring that the recreational needs of new residents will not overload nearby coastal recreation areas by correlating the amount of development with local park acquisition and development plans with the provision of onsite recreational facilities to serve the new development.*

As described previously, the applicant is proposing modifications to the current traffic pattern at the Lido Isle entryway. A major component of the plan involves the installation of a traffic roundabout and the closure of an existing travel lane (Exhibit 3). The applicant has submitted a report prepared by Linscott, Law & Greenspan entitled *Existing Traffic Conditions Summary and Preliminary Design Review for the Lido Isle Entry Improvement Project*. The report summarizes existing traffic patterns and analyses the proposed project, including the creation of a new traffic island, or traffic roundabout. As described in the report, *“roundabouts are typically associated with a menu of ‘traffic calming’ techniques, which have the objectives of addressing traffic issues while improving aesthetics and neighborhood quality of life.”*

According to the applicant, the consultants have indicated that the proposed project will improve traffic flow and create a safer intersection. Their preliminary project analysis concludes that the proposed project is feasible with minor refinement of the current project plan. Refinements include elimination of the “Focal Point Monument” due to the need for clear visibility through the central traffic island. The applicant has stated that a *“simple sign that says ‘Lido Isle’ on a low stone wall and landscaping and a possible flagpole will most likely be installed instead.”* The placement of a low-level (approximately 3’-4’) sign will not obstruct a driver’s line of sight, thereby eliminating a potential hazard at this location.

Additional modifications include the use of the yield on entry, rather than the stop at entry concept. The yield on entry concept is considered more conducive to smooth traffic flow within a roundabout. The consultant also recommends that “splitter islands,” or dividers (concrete curb-like features) be installed along Via Antibes to better align traffic into the roundabout. Lastly, the consultant has modified the shape of the traffic roundabout from oval to round and has recommended an enlargement from its current 35’ width. City Public Works Department staff has reviewed the proposed improvements with the applicant and their traffic engineer and made minor, “fine tuning” revisions to the design. Since the proposed improvements will occur in a public right of way, final City approval must be granted through an encroachment agreement. (Special Condition No. 1 requires evidence of an encroachment permit or exemption from the City of Newport Beach.)

The applicant has not yet submitted plans that are reflective of the recommendations made by the consulting traffic engineers. To ensure that the applicant modifies the project plans to be consistent with the recommendations of the consultant, the Commission imposes Special Condition No. 3. Special Condition No. 3 requires the applicant to submit revised project plans demonstrating conformance with the modifications recommended by the consulting traffic engineer.

Therefore, as conditioned for conformance with the recommendations contained in the traffic engineering report prepared by Linscott, Law and Greenspan and for evidence of a City encroachment permit, the Commission finds that the proposed project is consistent with Section 30252 of the Coastal Act.



## **D. Water Quality**

Section 30230 of the Coastal Act states, in pertinent part:

*Marine resources shall be maintained, enhanced, and where feasible, restored.*

Section 30231 of the Coastal Act states:

*The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.*

Section 30232 of the Coastal Act states, in pertinent part:

*Protection against the spillage of crude oil, gas, petroleum products, or hazardous substances shall be provided in relation to any development or transportation of such materials.*

Newport Harbor (Lower Newport Bay) is a critical coastal water body on the Federal Clean Water Act 303(d) list of "impaired" water bodies. The designation as "impaired" means the quality of the water body cannot support beneficial recreation and aquatic uses. The listing is made by the California Regional Water Quality Control Board, Santa Ana Region (RWQCB), and the State Water Resources Control Board (SWRCB), and confirmed by the U.S. Environmental Protection Agency. Further, the RWQCB has targeted the Newport Bay watershed, which would include Newport Harbor, for increased scrutiny as a higher priority watershed under its Watershed Management Initiative. Consequently, projects which could have an adverse impact on water quality should be examined to assure that potential impacts are minimized.

### **1. Construction Impacts to Water Quality**

As discussed previously, the applicant is proposing to construct traffic improvements and beautification of the Lido Isle entryway. The site is located at the intersection of Via Antibes and Via Lido Soud, directly adjacent to Newport Harbor. Storage or placement of construction materials, debris, or waste in a location subject to wave erosion and dispersion or which may be discharged into coastal water via rain carried by the storm water system would result in adverse impacts upon the marine environment that would reduce the biological productivity of coastal waters. For instance, construction debris entering coastal waters may cover and displace soft bottom habitat. In addition, the use of machinery in coastal waters not designed for such use may result in the release of lubricants or oils that are toxic to marine life. Sediment discharged to coastal waters may cause turbidity which can shade and reduce the productivity of eelgrass beds and foraging avian and marine species ability to see food in the water column. In order to avoid adverse construction-related impacts upon marine resources, Special Condition No. 4 outlines construction-related requirements to provide for the safe storage of construction materials and the safe disposal of construction debris. Finally, since the applicant has indicated that the contractor will have the discretion of selecting a disposal site at the time of construction, Special Condition No. 5 requires that the applicant dispose of all demolition and construction debris at an appropriate location outside of the coastal zone and informs the applicant that use of a disposal site within the coastal zone would require an amendment or new coastal development permit.

Only as conditioned for appropriate storage of construction materials and equipment does the Commission find that the proposed development is consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

## **2. Post-Construction Impacts to Water Quality**

The project involves improvements to the existing Lido Isle entryway, which will not significantly affect current drainage patterns. As such, the proposed development will not increase the amount, or change the type, of runoff currently entering Newport Harbor. However, pollutants (such as sediments) or toxic substances (such as grease, motor oil, heavy metals, and pesticides) are often contained within residential and roadway runoff. Therefore, continued discharge of potentially polluted runoff from the subject site would have significant adverse impacts on water quality in the Harbor.

The applicant has provided project plans that show the installation of a fossil filter within the existing catch basin at Via Lido Nord. According to the applicant, the majority of surface runoff from the subject site drains to this catch basin.

The proposed project involves the conversion of some existing paved area to landscaping area and park use. On site filtration of runoff through vegetated areas such as landscaped areas can reduce pollutants that are normally carried into coastal waters from residential development. Further, providing opportunities for percolation of stormwater through permeable green space on site can also reduce the total volume of runoff leaving the developed site through the process of infiltration; thus, minimizing to the extent feasible, adverse impacts upon water quality. Filtration may also be accomplished through retrofitting of existing stormwater collection systems.

As approved by the Commission in February 2000 through CDP No. 5-99-452 (City of Newport Beach), a portion of the Bayside Drive storm drain system has been retrofitted to improve storm runoff collection and to provide flooding protection to existing residences. This area of Bayside Drive is a residential neighborhood located south of Lido Isle. The new system includes five (5) differently sized catch basins with grates that use filtration devices (Fossil Filters) effective at trapping and mitigating contaminated runoff. Consequently, runoff draining from the subject site to Bayside Drive will be filtered prior to discharge into Newport Harbor.

Therefore, the Commission imposes Special Condition No. 6. This condition requires the applicant to submit a Drainage and Runoff Control Plan showing that site runoff from roadways and hardscape areas are collected and directed in a non-erosive manner through vegetated areas for filtration purposes prior to direct discharge into Newport Harbor. Where this is not feasible due to geotechnical or other concerns, runoff must be directed in a non-erosive manner to Via Lido Nord for filtration in the storm water conveyance system. The applicant has proposed to retrofit the existing catch basin at Via Lido Nord with a Fossil Filter device.

Only as conditioned does the Commission find the proposed development to be consistent with Sections 30230, 30231 and 30232 of the Coastal Act.

## **E. Scenic and Visual Resources**

Section 30251 of the Coastal Act states, in relevant part:

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural*

*land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...*

Public views of Newport Bay exist along the bridge leading out to Lido Isle, as well as from various street ends in the vicinity such as the end of 32<sup>nd</sup> Street which is across the project site on the other side of the West Lido Channel. The proposed project will be visible from these vantage points available to the public. The proposed project involves the creation of a public park and the placement of hardscape, landscaping, fencing, and a landscaped traffic roundabout.

As conditioned for removal of the "Focal Point Monument," the installation of the proposed entryway improvements will not affect existing public views to or along the shoreline. As stated previously, Lido Isle is a residential island with no visitor-serving recreational or commercial facilities. Public views of the ocean are only available from public roadways, such as the Lido Isle Bridge and various streetends. The proposed project will not obstruct these views.

In addition, the proposed improvements would be consistent with other landscaping and aesthetic features in the vicinity. The project will result in the creation of a public park area with gazebo, benches and fountain within existing residential development. The park and associated improvements are considered a benefit to the existing neighborhood. Accordingly, the proposed project is consistent with the character of the surrounding area. Therefore, the Commission finds the proposed development to be consistent with Section 30251 of the Coastal Act.

#### **F. Land Use Plan**

Section 30604 of the Coastal Act provides for the issuance of coastal development permits directly by the Commission in regions where the local government having jurisdiction does not have a certified local coastal program. The permit may only be issued if the Commission finds that the proposed development will not prejudice the ability of the local government to prepare a local coastal program which conforms with the Chapter 3 policies of the Coastal Act.

The Newport Beach Land Use Plan was effectively certified on May 19, 1982. The proposed development is consistent with the policies of the certified Land Use Plan. Therefore, the Commission finds that approval of the proposed development will not prejudice the City's ability to prepare a Local Coastal Program (Implementation Plan) for Newport Beach that is consistent with the Chapter 3 policies of the Coastal Act as required by Section 30604(a).

#### **G. California Environmental Quality Act (CEQA)**

Section 13096(a) of the Commission's administrative regulations requires Commission approval of coastal development permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The project is located within an urbanized area. Development already exists on and around the subject site. In addition, the proposed development has been conditioned, as follows, to assure the proposed project is consistent with policies of the Coastal Act: 1) evidence of an encroachment permit from the City of Newport Beach; 2) submittal of revised project plans showing removal of the "focal point monument" and "entry monument"; 3) maintenance of public access during construction; 4) conformance of the final design and construction plans to the traffic engineering report; 5) use of construction best management practices (BMPs); 6) debris disposal to occur outside the coastal

zone; and 7) submittal of a final drainage and runoff control plan. As conditioned, no feasible alternatives or feasible mitigation measures are known, beyond those required, which would substantially lessen any identified significant effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned, is consistent with CEQA.